

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LOU ANN LOWENSTEIN,

Plaintiff,

v.

SEARS ROEBUCK AND CO.,

Defendant.

No. C 08-3237 PJH

ORDER

The court is in receipt of a document entitled "Plaintiff's Notice of Failure of Service of Defendant's Motion for Summary Judgment/Partial Summary Judgment," filed in the above-entitled action on December 14, 2009. The "Notice" describes the purported "failure of service" as a malfunction of plaintiff's counsel's computer (although the "Notice" is unaccompanied by any declaration of counsel.)

Defendant filed its motion for summary judgment on November 10, 2009, and noticed it for hearing on December 16, 2009, the date set in the November 10, 2008 Case Management and Pretrial Order as the deadline for hearing motions for summary judgment. It appears from this "Notice" that plaintiff is seeking leave to file a late opposition to defendant's motion, and is also seeking a modification of the Case Management and Pretrial Order.

The court will not consider any request from any party that is not presented in the

1 form required under the Federal Rules of Civil Procedure and the Civil Local Rules of this
2 court, including but not limited to Federal Rules of Civil Procedure 7 and 16, and Civil Local
3 Rules 7 and 16.

4
5 **IT IS SO ORDERED.**

6 Dated: December 15, 2009



PHYLLIS J. HAMILTON
United States District Judge